

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERIC ALBRITTON,
Plaintiff

v.

CISCO SYSTEMS, INC., and
RICK FRENKEL,
Defendants

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CIVIL ACTION NO.: 6:08-CV-89

JURY TRIAL DEMANDED

**SECOND AGREED MOTION TO EXTEND THE FILING
OF A REVISED PRETRIAL ORDER**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff ERIC ALBRITTON and Defendants CISCO SYSTEMS, INC. and RICHARD FRENKEL request the Court to modify the deadline in the Court's June 5, 2009 Order.

On June 5th, the Court ordered that the parties undertake a good faith effort to do the following by July 5, 2009:

1. Reduce the number of exhibits and deposition excerpts that will be offered at trial.
2. Reduce the number of objections to the remaining exhibits and deposition excerpts that will be offered at trial.

The Court also ordered the parties to provide by July 5, 2009, a revised joint final pretrial order that would conform to the Court's various rulings in this matter. As part of the revised joint final pretrial order, the parties are to reduce the number of, and objections to, exhibits and deposition excerpts.

Subsequently, the Court extended these deadlines to August 14, 2009. The parties are still attempting to narrow the issues for the Court and jointly request that the Court extend the August 14, 2009 deadline to August 21, 2009. This extension is requested due to unforeseen events that have affected counsel's ability to confer on the various issues and to give the parties

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additional time so that they can continue to reduce the issues for the Court. The parties are cooperatively working to comply with the Court's order.

The parties have been diligently working to revise their exhibits and deposition designations and do anticipate being able to reduce the number of exhibits and deposition designations to be offered at trial and to revise the pretrial order.

Respectfully submitted,

PATTON, TIDWELL & SCHROEDER, L.L.P.

/s/ Nicholas H. Patton

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CERTIFICATE OF SERVICE

This is to certify that on this 13th day of August, 2009, a true and correct copy of the foregoing was served upon:

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